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Held at Headquarters, New York, on Wednesday, 18 November 2015, at 3 p.m.

Chair: Mr. Hilale ..... (Morocco)

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The meeting was called to order at 3.05 p.m.

Agenda item 72: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/70/L.34)

Draft resolution A/C.3/70/L.34: Enhancement of international cooperation in the field of human rights

1. **The Chair** said that he had been advised that the draft resolution contained no programme budget implications.

2. **Mr. Khane** (Secretary of the Committee) said that China, El Salvador, Paraguay, the Russian Federation and South Sudan had joined the sponsors.

Draft resolution A/C.3/70/L.34 was adopted.

3. **Ms. Brooke** (United States of America) said the her country maintained that the resolution neither altered the mandate of any international human rights mechanism nor affected the ability of the General Assembly or the Human Rights Council to adopt resolutions to which States did not consent.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/70/L.39/Rev.1 and A/C.3/70/L.65)

Draft resolution A/C.3/70/L.39/Rev.1 Situation of human rights in Myanmar

4. **The Chair** said that the statement of programme budget implications for the draft resolution was contained in document A/C.3/70/L.65.

5. **Mr. Khane** (Secretary of the Committee) said that Norway, the Republic of Korea, Serbia, Switzerland, Turkey and Ukraine had joined the sponsors.

6. **Ms. Lucas** (Luxembourg), introducing the draft resolution on behalf of the European Union and the other sponsors, read out a few oral revisions to the text. Paragraph 6 had been amended to read: "Calls on all actors to sustain the democratic transition of Myanmar by bringing all national institutions, including the military, under a democratically elected, fully representative civilian government." Paragraph 18 had been amended to read: "Urges the Government of Myanmar to further facilitate the work of the Special Rapporteur of the Human Rights Council on the situation of human rights in Myanmar and to grant her unimpeded access to the country, bearing in mind the lack of such access, including to Rakhine State, during her last visit, and to fulfil its commitment, without further delay, to establish a country office with a full mandate and in accordance with the mandate of the United Nations High Commissioner for Human Rights." The footnote at the end of paragraph 20 (a) had been amended to read: "A/70/332, para. 45".

7. The draft resolution reflected the substantial progress that had been achieved in Myanmar's democratic transition. The elections held on 8 November 2015 had marked a historic milestone in that ongoing transition, with millions of people in Myanmar exercising their right to vote. The draft resolution encouraged continued transparency in the next stages of the electoral process and consideration of the recommendations emerging from the national and international observation teams. Concerns regarding unelected seats in Myanmar's parliament must be addressed. The draft resolution also welcomed broader reform efforts in Myanmar and, as a critical foundation for future stability, the signing by the Government of Myanmar and eight armed groups of a nationwide ceasefire agreement. All religious and ethnic minorities must participate in discussions on ways to achieve lasting peace in the country. The draft resolution also encouraged continued efforts to address the plight of migrants and refugees in the Andaman Sea and Bay of Bengal.

8. The draft resolution addressed a number of remaining human rights concerns, including in relation to the situation of persons belonging to the Rohingya and other minorities, and emphasized that the country's legislation must uphold human rights principles and ensure that freedom of expression, association and peaceful assembly were fully safeguarded.

Draft resolution A/C.3/70/L.39/Rev.1, as orally revised, was adopted.

9. **Mr. Tin** (Myanmar) reaffirmed his delegation's principled opposition to the selective tabling of country-specific resolutions and its conviction that the universal periodic review, in which his country actively participated, was the most dependable and uncontroversial monitoring mechanism to address human rights situations in all countries. Nonetheless, in

keeping with the spirit of cooperation that Myanmar continued to demonstrate, his delegation had refrained from calling for a vote on the draft resolution.

10. His delegation welcomed the recognition accorded in the resolution to a number of the positive developments that had taken place in Myanmar. In that regard, the general elections that had been successfully held on 8 November 2015 marked another significant step forward in the country's reform process. Thousands of local and international observers, including from the European Union and the Carter Center, had monitored those elections, which had been free, fair and transparent, and more than 80 per cent of those eligible to vote had done so. Myanmar had entered a new era, and was committed to the further advancement of peace, democracy and development.

11. Regrettably, however, the draft resolution had fallen short of fully acknowledging the significant steps that Myanmar had made with a view to further promoting and protecting human rights. In particular, his delegation maintained reservations to paragraphs 3, 4, 6, 10, 12, 14 and 15, which contained misleading language. Paragraph 3 incorrectly cited religion and ethnicity as grounds for disenfranchisement and the discriminatory disqualification of candidates in Myanmar. Instead, certain candidates had failed to meet the country's eligibility criteria, in accordance with which they and both their parents must be citizens of Myanmar. As was the case in many other States, the rights to vote and to stand for election were only granted to citizens. Paragraph 4 had been superseded by recent developments in Myanmar. Indeed, all parties had already agreed to engage in dialogue to ensure that a peaceful and smooth political transition took place in the country. Furthermore, paragraphs 4 and 6 went beyond the scope of human rights and criticized the country's political system. That was unacceptable, as every State had the right to choose its own political system in accordance with its history, traditions, values, realities and constitution. Paragraph 10 was a ritual paragraph that made sweeping allegations that were repeated year after year. Paragraph 12 also voiced undue concerns about certain domestic laws, the application of which was voluntary rather than mandatory. Indeed, with a view to upholding religious freedom, Myanmar sought to prevent only forced conversions. Furthermore, the 1982 Citizenship Law had been enacted in view of the country's geographical location and demography. None of the aforementioned laws ran counter to Myanmar's international legal obligations.

12. His delegation reiterated its long-standing opposition to the use of the term "Rohingya", used in paragraphs 3 and 14. There was no such minority among his country's ethnic groups and the use of that term would only hinder resolution of the issue by drawing the resentment of the people of Myanmar. His delegation shared the concerns expressed in the draft resolution about communal tensions in Rakhine State, but emphasized that exaggeration of the facts and politicization of that issue could only exacerbate those tensions. Moreover, paragraph 14 failed to mention the measures taken by the Government to restore and maintain peace and stability, including its efforts to provide humanitarian assistance, facilitate gradual and voluntary resettlement, verify the citizenship of residents and promote economic development and interfaith dialogue. No violence had occurred in Rakhine State since 2012. Citizenship was always open to those wishing to take part in Myanmar's verification process, which was being undermined by external actors. Nonetheless, more than 900 applicants and their family members had been granted citizenship. Meanwhile, the reintegration programme had facilitated the resettlement of over 2,000 households in 2015 alone. There were no restrictions on the right to marry or on the registration of births. The Government was also cooperating closely with aid organizations to provide humanitarian assistance, particularly in Rakhine State, and access to education, health care, food, water and other services was granted to all communities. No restrictions on movement were imposed in areas where communities lived in harmony. Myanmar regretted that severe weather conditions had prevented the Special Rapporteur from visiting Rakhine State during her most recent visit to the country. With regard to opening in Myanmar of a country office of the Office of the United Nations High Commissioner for Human Rights, the terms and conditions of that office must be mutually agreed beforehand and must address the needs of the host country.

13. Political reforms have made Myanmar far freer and more open than it had been in the past and all political stakeholders were committed to resolving the country's problems through constructive dialogue. His delegation welcomed the inclusion in the resolution of paragraph 20 and emphasized that ending the tabling of

the country-specific resolution on Myanmar would be an appropriate response by the United Nations to the progress made by his country. His delegation stood ready to work with the international community to further advance peace, stability and development.

14. **Mr. Essam** (Egypt), speaking on behalf of the States members of the Organization of Islamic Cooperation (OIC), said that OIC had been pleased to join the consensus on the draft resolution and that engagement with States hosting Muslim communities was a prerogative enshrined in the OIC Charter. In the light of concerns expressed in Human Rights Council resolution 29/21 on the situation of human rights of Rohingya Muslims and other minorities in Myanmar, OIC had intended to table its own draft resolution, but had put that aside in favour of a single united draft that could be adopted by consensus and with the consent of the country concerned. The Organization hoped that Myanmar appreciated the spirit in which the resolution had been adopted and would accept all its paragraphs, and regretted that Myanmar had so far rejected paragraphs that highlighted concerns of the international community.

15. His Organization was deeply concerned that the Rohingya and other minorities in Myanmar continued to suffer discrimination and political disenfranchisement and had been prevented from participating in the recently held elections. The Group hoped that those elections would pave the way for the restoration of citizenship rights for the Rohingya minority and for further reforms leading to a political process that involved all minorities in Myanmar regardless of their ethnicity, religion or belief. OIC was pleased that many of its suggestions had been taken into account in the draft resolution but reiterated its serious concerns regarding human rights and the humanitarian situation in Rakhine State. To uphold citizens' rights there and meet their humanitarian and medical needs, the Government of Myanmar should enact further legislative reforms, inter alia, by repealing laws restricting fundamental freedoms. OIC reiterated that it stood ready provide all necessary support through constructive engagement with Myanmar with a view to addressing challenges in Rakhine State.

16. **Mr. Wat** (Singapore) said that his Government objected on principle to country-specific resolutions, which were selective, divisive, counterproductive and often motivated by politics rather than human rights. His delegation therefore abstained from voting on country specific resolutions. Notwithstanding that principled approach, his delegation had taken note of the general agreement among Member States with regard to the recently adopted resolution, and had therefore chosen to join the consensus.

17. **Mr. Yao** Shaojun (China) said that his delegation had always advocated addressing contentious human rights issues through constructive dialogue based on equality and mutual respect and had opposed the politicization of human rights issues and the use of those issues to put pressure on specific countries. Member States should address the legitimate concerns of Myanmar instead of adopting a country specific resolution, which were not the way forward. China had therefore not joined the consensus on that resolution. Ongoing concerns should be resolved as soon as and as effectively as possible by maintaining stability and promoting long-term development in Myanmar.

18. **Ms. Vadiati** (Iran) said that her delegation had joined the consensus but maintained that the selective adoption of country-specific resolutions, in particular in the Third Committee, constituted exploitation of that forum for political ends and breached the Charter of the United Nations and the principles of universality, non-selectivity and objectivity in addressing human rights issues. It also undermined cooperation — an essential principle for promoting and protecting all universally recognized human rights. Her delegation believed that the universal periodic review of the Human Rights Council provided a mechanism for reviewing human rights in all Member States on an equitable basis and commended the active participation of Myanmar in that process. The Committee should refrain from tabling any further country specific resolutions.

19. **Ms. Moreno Guerra** (Cuba) said that although her delegation had joined the consensus on the draft resolution, it maintained its principled position against country-specific resolutions that targeted specific countries for political ends. The harmful and selective practices of politicization and the application of double standards in the examination of human rights had discredited and led to the demise of the Commission on Human Rights. The universal periodic review process of the Human Rights Council must be accorded the importance it merited so that it could address the human rights challenges countries faced. The only way to promote and defend human rights effectively was

through genuine international cooperation based on the principles of objectivity, non-conditionality, impartiality and non-selectivity.

20. **Ms. Mozolina** (Russian Federation) said that intergovernmental cooperation was of crucial importance in States' efforts to uphold their human rights obligations pursuant to international instruments. States bore primary responsibility for defending human rights and the United Nations should therefore focus on providing technical assistance to those States. Experience had shown that politicized, country-specific resolutions, including the resolution that had just been adopted, could neither resolve human rights challenges, nor facilitate constructive dialogue with the countries in question. Although the Russian Federation had not voted against the draft resolution, it did not see the need for such resolutions, which undermined the universal periodic review process. The Third Committee should cease its consideration of such resolutions.

21. **Mr. Plasai** (Thailand) said that his delegation fully supported the democratization and national reconciliation process in Myanmar, congratulated that country on the success of its recent elections and warmly welcomed the signing of a ceasefire agreement between the Government of Myanmar and a number of armed groups. Thailand encouraged Myanmar to continue its reform programme, work with its international partners with a view to acceding to core human rights treaties and fully uphold its existing human rights obligations. Thailand commended efforts by Myanmar to tackle the issue of irregular migrants in the Indian Ocean and hoped to continue to work closely with its Government to address that issue in an effective, comprehensive and sustainable manner. Thailand also wished to continue its provision of assistance to the people of Rakhine State and called on the international community to work closely with the Government of Myanmar to support social and economic development there. The international community must also constructively support the reform process in Myanmar. Although his delegation had joined the consensus on the draft resolution, it emphasized that the Third Committee should refrain from adopting country-specific resolutions in the future.

22. **Mr. Do Hung Viet** (Viet Nam) said that although his delegation had joined the consensus, the most productive way to address human rights issues was not through the adoption of divisive and selective country specific resolutions, but through constructive dialogue and effective cooperation based on mutual understanding and respect. That was particularly the case for Myanmar, as that country had made significant progress in its efforts to promote human rights as well as economic and social development, democracy, peace and national reconciliation. He congratulated Myanmar on the success of its elections and believed that the national reconciliation process would ensure that the country enjoyed a stable and prosperous future, thereby furthering the interests of the people of Myanmar and of the wider region. He also commended Myanmar's constructive engagement with other States, regional organizations and United Nations human rights bodies to address matters of shared interest, including within the context of the universal periodic review of the Human Rights Council. Further resolutions on the human rights situation in Myanmar were unnecessary and counterproductive.

23. **Ms. Belskaya** (Belarus) said that her country had refused to join the consensus because it consistently opposed country-specific resolutions, which constituted interference in the internal affairs of States. Indeed, such resolutions were often tabled merely to promote narrow political agendas and exert pressure on the Governments of the countries concerned. Despite the constructive engagement of Myanmar with the international community, the sponsors of the draft resolution had refused to alter their approach in any meaningful way and had continued their attempts to impose their views on Myanmar. All human rights concerns must be dealt with through the universal periodic review of the Human Rights Council or in bilateral forums.

24. **Mr. Joshi** (India) said that every State had the right to organize its internal affairs, including in the field of human rights, as it saw fit. The selective targeting of countries and intrusive monitoring of their internal affairs had proven counterproductive and should be avoided. India had joined the consensus on the draft resolution but would not support any further country-specific United Nations initiatives that targeted Myanmar. Instead, India believed that an approach based on constructive engagement, technical assistance and cooperation between the international community and the Government of Myanmar was the most effective way to address human rights issues in that country. The political and economic reforms

undertaken by the Government of Myanmar and its efforts to achieve inclusive and broad-based national reconciliation were warmly welcomed. India also believed that the signing of a nationwide ceasefire agreement in October 2015 was a significant milestone in that country's peace process. A close and friendly neighbour of Myanmar, India had provided more than $1.5 billion to fund development projects in various parts of that country, including Rakhine State, where the Government of Myanmar had enacted welcome measures to restore law and order. India commended Myanmar's expressed readiness to cooperate with United Nations and other humanitarian agencies to address the plight of those affected by violence. India had, moreover, sent a team of observers to monitor the recent elections, which were a testament to Myanmar's commitment to democratic transition.

25. Regrettably, certain drafters of the resolution had sought to focus on sectarian issues. Such a focus risked sowing divisions among Member States and impeding their efforts to further the United Nations human rights agenda. While encouraging the Government of Myanmar to address human rights issues, the United Nations and its Member States must respond more positively to the reforms that Government was implementing.

26. **Ms. Yparraguirre** (Philippines) said that her delegation had joined the consensus on the resolution and welcomed the progress that Myanmar had achieved in its efforts to foster democracy, further political reform and uphold human rights. The transparent, multiparty elections held earlier that month and the signing of a peace accord between the Government of Myanmar and a number of armed ethnic groups were a testament to Myanmar's efforts to promote peace and development. Those efforts merited the support of the international community. The Philippines sincerely hoped that no further country-specific resolutions on Myanmar would prove necessary.

27. **Mr. Choe** Myong Nam (Democratic People's Republic of Korea) reiterated his country's principled position against all politically motivated and divisive country-specific resolutions. Any politicized and selective approach to human rights situations ran counter to the principle of objectivity and impartiality. Such an approach was dangerous and counter-productive. His delegation was against all attempts to violate the sovereignty and integrity of States and to any interference in their internal affairs on the pretext of human rights concerns. The United Nations must desist, once and for all, from adopting such country-specific resolutions.

28. **Mr. Mizumoto** (Japan) said that his country's delegation had joined the consensus in recognition of the positive developments that had recently taken place in Myanmar. Japan appreciated Myanmar's continuing efforts to promote democracy and national reconciliation and believed that a smooth and peaceful transfer of power would strengthen democracy in the country. Japan shared the concerns of the international community regarding the human rights situation of ethnic and religious minorities, including those in Rakhine State, as well as the situation of refugees in Myanmar. His country would continue to strengthen its excellent bilateral relations with Myanmar and believed that by engaging in a dialogue on human rights, Myanmar could strengthen its ties with the international community. The Japanese delegation hoped that the Government of Myanmar would continue to address the international community's remaining human rights concerns so that resolutions on the human rights situation in Myanmar would no longer be necessary.

29. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that delegation reiterated its principled position of rejecting politicized and selective approaches to human rights issues. The adoption of country-specific resolutions violated the principle of universality and non-selectivity with which human rights issues should be approached, and undermined the mandate of the Human Rights Council. Cooperation and dialogue were the appropriate means for the effective promotion and protection of human rights. In that respect, the member States of the Non-Aligned Movement believed that, to avoid any duplication of effort in the area of human rights, greater coherence was required between the work of the Committee and the Human Rights Council and that countries' human rights records should be examined within the context of the universal periodic review.

The meeting rose at 4 p.m.